

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
THOMAS K. KURIAN)	FCC File No. 0002196859
Assignor)	
)	
AMTS CONSORTIUM, LLC)	
Assignee)	
)	
Application for Consent to the Partial Assignment)	
of the License for Public Coast Station WQCP809)	

ORDER ON FURTHER RECONSIDERATION

Adopted: July 19, 2007

Released: July 20, 2007

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. We have before us a petition for further reconsideration¹ submitted by Pappammal Wellington Kurian (Ms. Kurian), seeking reconsideration of the April 17, 2007, *Order on Reconsideration* in this proceeding by the Wireless Telecommunications Bureau (Bureau), Mobility Division.² For the reasons discussed below, we dismiss the petition.

2. The *Order on Reconsideration* denied Ms. Kurian's 2006 petition for reconsideration³ of the April 3, 2006 decision by the Bureau's former Public Safety and Critical Infrastructure Division⁴ that dismissed in part and denied in part her objection to the above-captioned application for the partial assignment of the license for Automated Maritime Telecommunications System Station WQCP809 from Thomas K. Kurian to AMTS Consortium, LLC.⁵ On May 17, 2007, Ms. Kurian sent a "petition . . . to stop the assignment"⁶ to the Deputy Chief of the Mobility Division by electronic mail.

3. Although Ms. Kurian did not title her electronic communication a petition for reconsideration, we will treat it as a petition for reconsideration because it clearly seeks further review of the action consenting to the application.⁷ We dismiss the petition as procedurally and substantively

¹ Electronic mail message dated May 17, 2007, from Pappammal Wellington Kurian to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission (Petition).

² See Thomas K. Kurian, *Order on Reconsideration*, 22 FCC Rcd 7318 (WTB MD 2007) (*Order*).

³ Pappammal Wellington Kurian, Petition for Reconsideration (filed May 3, 2006).

⁴ Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. See Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

⁵ Letter dated April 3, 2006, from Michael J Wilhelm, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, to Byron L. Mills, Esq., and Darren L. Walker, Esq., Mills & Mills L.L.C. The application was consented to on April 7, 2006.

⁶ Petition at 1.

⁷ See *id.* (stating that "[e]ven though FCC have granted the assignment, I have full right to object and please note that the objection continue [sic]"). See also, e.g., Jack Gerritsen, *Memorandum Opinion and Order*, 20 FCC Rcd 4273, 4273 n.3 (EB 2005); Redlands Municipal Airport, *Order on Reconsideration*, 20 FCC Rcd 14782, 14782 ¶ 4 (WTB PSCID 2005).

defective. First, we note that the petition was filed in the wrong location. The Commission's Rules require that petitions for reconsideration be filed with the Office of the Secretary,⁸ and warn persons filing documents with the Commission that filings submitted to the wrong location will not be processed.⁹ We therefore dismiss the petition as misfiled.¹⁰ Moreover, the record does not indicate that Ms. Kurian served the petition on the parties, as required by Section 1.106(f) of the Commission's Rules.¹¹ This also is grounds for dismissal.¹² Finally, the petition is subject to dismissal pursuant to Section 1.106(k)(3) of the Commission's Rules as repetitious, because it seeks reconsideration of an order which has been previously denied on reconsideration, and does not raise any new facts or issues of decisional significance.¹³ Reconsideration is appropriate only where the petitioner either demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner's last opportunity to present such matters.¹⁴

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for further reconsideration submitted by Pappammal Wellington Kurian on May 17, 2007, IS DISMISSED.

5. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ 47 C.F.R. § 1.106(i).

⁹ 47 C.F.R. § 0.401; *see also* 47 C.F.R. § 1.7 ("documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission").

¹⁰ *See, e.g.,* Pepperell Airport, *Order on Reconsideration*, 20 FCC Rcd 4015, 4017 n.14 (WTB PSCID 2005).

¹¹ 47 C.F.R. § 1.106(f).

¹² *See, e.g.,* D & I Electronics, Inc., *Order*, 16 FCC Rcd 15243, 15249 ¶ 5 (WTB PSPWD 2001).

¹³ 47 C.F.R. § 1.106(k)(3).

¹⁴ *See* WWIZ, Inc., 37 FCC 685, 686 ¶ 2 (1964) (stating that "it is universally held that rehearing will not be granted merely for the purpose of again debating matters on which the tribunal has once deliberated and spoken"), *aff'd sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966); *see also* 47 C.F.R. § 1.106(c).